

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Teresa Elaine Cox,

Plaintiff,

vs.

Nancy A. Berryhill, Acting Commissioner
of Social Security,

Defendant.

Civil Action No. 5:17-897-RMG

ORDER

2018 MAY 14 PM 12:22

RECEIVED
U.S. DISTRICT COURT
CHARLESTON, SC

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on April 23, 2018, recommending that the decision of the Commissioner be reversed and remanded to the agency because of (1) the failure to address Plaintiff's ability to stay on task due to her difficulties with concentration, as required by *Mascio v. Colvin*, 780 F.3d 632, 638 (4th Cir. 2015); (2) the failure to consider the combined effects of Plaintiff's mental and physical disabilities, as required by *Walker v. Bowen*, 889 F.2d 47, 49-50 (4th Cir. 1989); and (3) failure to make the necessary findings concerning whether Plaintiff's lapse in treatment was related to her inability to afford medical care, as required by *Lovejoy v. Heckler*, 790 F.2d 1114, 1117 (4th Cir. 1986). (Dkt. No. 23 at 12-19). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 25).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. In light of the protracted nature of the pendency of Plaintiff's application for disability benefits, now approaching 5 years, the Commissioner is directed to give any rehearing and Appeals Council review priority status.

AND IT IS SO ORDERED:



Richard Mark Gergel
United States District Judge

Charleston, South Carolina
May 14, 2018